

REGULAR CITY COUNCIL MEETING

APRIL 7, 1986

PRESENT

Ruth Hansen
Craig Greathouse
Don Dafoe
David Church
Neil Dutson
Gayle Bunker

Mayor
Council Member
Council Member
Council Member
Council Member
Council Member

ABSENT

None

OTHERS PRESENT

Jim Allan
Dorothy Jeffery
Warren Pterson
Susan Callister
Rita Byrd
Dole Bender
Bryce Ashby
Max Wood
Neil Forster
Martin Ludwig
Jack Fowles
Jim Edwards
Vincent Crawford
B. Quinn Bean
Nolean Bean
Robert Pendray

City Manager
City Recorder
City Attorney
Deputy Recorder
City Billing Clerk
City Treasurer
Delta Fire Chief
Parks & Recreation Director
Public Works Director
Parks & Recreation Advisory Board
Planning Commission Chairman
Land Surveyor
Utah Power & Light
City Resident
City Resident
Pendray Development

Mayor Ruth Hansen called the meeting to order at 7:05 p.m. Dorothy Jeffery, City Recorder, acted as secretary. Mayor Hansen stated that notice of the meeting time, place and agenda were posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle Progress, the local radio station, KNAK, and to each member of the City Council by personal delivery two days prior to the meeting.

MINUTES

The proposed minutes of a Regular City Council Meeting held March 24, 1985, were presented for the Council's consideration and approval. The Council reviewed the minutes briefly and proposed corrections, after which Council Member Craig Greathouse MOVED that the minutes be approved as corrected.

Council Member Neil Dutson SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the minutes. There being none, she called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member Neil Dutson MOVED that the accounts payable be approved, as listed, in the amount of \$15,876.16. Council Member David Church SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

ATTORNEY WARREN PETERSON: CONSIDERATION OF ABANDONED VEHICLE AND UTAH TRAFFIC CODE ORDINANCE

Mayor Hansen requested that Attorney Warren Peterson present a proposed ordinance entitled:

ORDINANCE NO. 86-100

AN ORDINANCE AMENDING THE REVISED ORDINANCES OF DELTA CITY (1981 EDITION), AS AMENDED, TO PROVIDE FOR REPEAL OF THE PRESENT SECTIONS 10-331 AND 11-321.A. AND ADOPTION OF A REVISED SECTION 10-331, BY ADOPTION OF SECTION 10-335 TO PROVIDE FOR STORAGE OF ABANDONED VEHICLES ON PRIVATE PROPERTY, AMENDING SECTION 11-321 TO PROVIDE FOR ADOPTION OF THE UTAH TRAFFIC CODE, 1983 EDITION, AND PROVIDING AN EFFECTIVE DATE FOR SAID AMENDMENTS.

Attorney Peterson reviewed the proposed Ordinance in detail with the Council.

The Council discussed the enforcement of the proposed ordinance and what action should be taken. Attorney Peterson suggested that the Police Department be appointed to enforce the ordinance since they have the authority and resources to enforce the law.

Council Member David Church MOVED to adopt Ordinance No. 86-100. Council Member Don Dafoe SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a roll call vote. The voting was as follows:

Council Member Craig Greathouse	Yes
Council Member Don Dafoe	Yes
Council Member David Church	Yes
Council Member Neil Dutson	Yes
Council Member Gayle Bunker	Yes

Mayor Hansen then signed the ordinance and it was attested by City Recorder Dorothy Jeffery.

MAX WOOD, PARKS & RECREATION DIRECTOR: CONSIDERATION OF BID AWARD FOR WHITE SAGE REMODELING JOB

Mayor Hansen asked Parks & Recreation Director Max Wood to review with the Council the bid award for the restroom remodeling project at the White Sage Regional Park.

Max Wood said that he has received many comments concerning the need for restrooms nearer to the ball fields at the White Sage Regional Park. Mr. Wood said that plans have been drawn and the project has been bid with David Houston, of Houston Construction, being the apparent low bidder in the amount of \$3,335. After reviewing the plans for the restroom project, the Council felt that it would be necessary to use slump block rather than sheetrock. Houston Construction has bid an additional \$570 for installation of a block wall.

Mr. Wood reported that Steve Higgs' original bid for the remodeling project was \$5,143.07 plus an additional \$700 for a cinder block wall with epoxy paint, or \$1,100 for a glazed block wall.

There was discussion regarding the type of block to use for the partition wall, and the Council decided a cinder block wall would be best.

Following a brief discussion, Council Member Gayle Bunker MOVED to approve the bid from Houston Construction in the amount of \$3,905 with a cinder block partition for the restroom remodeling project, subject to center wall modifications and Council Member Don Dafoe's approval of the final design. Council Member Neil Dutson SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

ATTORNEY WARREN PETERSON: CONSIDERATION OF RESOLUTION ADOPTING A REVISED OFFICIAL ZONING MAP

Mayor Hansen asked Attorney Warren Peterson to present the proposed resolution adopting a revised official zoning map. Mr. Peterson presented the following resolution entitled:

RESOLUTION NO. 86-145

A RESOLUTION ADOPTING A REPLACEMENT OFFICIAL ZONING MAP
UNDER THE PROVISIONS OF THE ZONING ORDINANCE OF DELTA,
UTAH (ORDINANCE NO. 81-26)

Attorney Peterson said that the official zoning map that was adopted by Ordinance No. 81-26 in 1981 has been lost, but the ordinance states that if the map is lost, a new map should be redrawn to comply with all the zone changes, etc. that have been made since that time and that a new map can be adopted by resolution.

City Engineer John Quick displayed a map drawn on mylar of the zoning map and answered questions asked by the Council.

The Council determined that the proposed zoning map failed to show the half block on either side of 100 West as being zoned R-4C and instructed Mr. Quick to make that correction.

Council Member Gayle Bunker MOVED to adopt Resolution No. 86-145 as the official zoning map after it has been corrected to show one-half block on each side of 100 West from Main Street south to the City limits as being R-4C. The motion was SECONDED by Council Member Don Dafoe. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a roll call vote. The voting was as follows:

Council Member Gayle Bunker	Yes
Council Member David Church	Yes
Council Member Don Dafoe	Yes
Council Member Neil Dutson	Yes
Council Member Craig Greathouse	Yes

Mayor Hansen then signed the resolution and it was attested by City Recorder Dorothy Jeffery.

JACK FOWLES, PLANNING COMMISSION CHAIRMAN: B. QUINN BEAN REQUEST FOR WAIVER OF APPROVED LOT REQUIREMENTS UNDER SUBDIVISION ORDINANCE FOR PROPERTY LOCATED AT 205 SOUTH 300 EAST

Mayor Hansen recognized Jack Fowles, representing the Planning and Zoning Commission, and requested that he present B. Quinn Bean's request for waiver of improved lot requirements under Subdivision Ordinance for property located at 205 South 300 East.

Mr. Fowles said that the Planning and Zoning Commission has reviewed Mr. Bean's request and has recommended that he be granted a waiver of the improved lot requirements for a home to be constructed at 205 South 300 East. Mr. Fowles said that Mr. Bean started to build his home without a building permit and recognizes that he was wrong and he is willing to make the necessary improvements.

Attorney Warren Peterson said that the Subdivision Ordinance states that no building be done except on an improved lot. The request then, he said, is for the Council to waive that requirement of the Subdivision Ordinance.

Council Member Craig Greathouse questioned if the Subdivision Ordinance applied to building a single house. Attorney Peterson answered that the Subdivision Ordinance states that no building shall be constructed except on an improved lot.

Attorney Peterson said that under 3.8 of the Subdivision Ordinance the City Council has the authority to waive the improved lot requirement. He also said that the City Council recently went through a process of adopting a

short plat ordinance to further define when improvements should be waived and when they should not. Mr. Peterson referred to a letter written to the Planning Commission in which he recommended that the requirements not be waived, based on a resolution that was adopted by the City Council in 1981. He said that resolution provided for an improved lot agreement to be signed rather than having the improvements put in on single, isolated lots not within a subdivision. Mr. Peterson said a control survey had not been done for the City at that time. He further stated that the Council's action at that time authorized the Public Works Superintendent to waive the improved lot requirement on isolated single family residences. The intent was not to waive requirements for several lots in a row, but for single isolated lots where it would not make sense to put in curb, gutter and sidewalk and asphalt, then later on tear out the improvements to reinstall them to grade when control elevations were available. Mr. Peterson said that in Mr. Bean's case, the Public Works Superintendent inspected the property and saw that the lots in question did not meet the criteria established by the City Council. He said Mr. Forster therefore issued his March 14th letter to Mr. Bean saying, based on existing policy, that the Public Works Superintendent does not have the right to waive these requirements.

After discussion of the prior Council resolution described by Mr. Peterson, he suggested that if the Council grants a waiver to Mr. Bean, the following conditions should be imposed:

1. Mr. Bean sign an off-site improvement agreement.
2. Mr. Rex Johansen, from whom Mr. Bean purchased his lot, sign an agreement acknowledging that any further development will require the subdivision improvements.

Following further discussion of the required conditions, Council Member Neil Dutson MOVED to approve the recommendation made by the Planning and Zoning Commission to grant a building permit to Quinn Bean with the stipulation that he sign an off-site improvement agreement. The motion was SECONDED by Council Member Craig Greathouse. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a roll call vote. The voting was as follows:

Council Member Gayle Bunker	Yes
Council Member David Church	No
Council Member Don Dafoe	No
Council Member Neil Dutson	Yes
Council Member Craig Greathouse	Yes

The motion carried. Council Member Craig Greathouse said that he is of the opinion that the short plat should be more restrictive so it doesn't leave that invitation to developers to try to use it as a means to avoid the subdivision procedures. He requested that Mr. Peterson prepare an amendment to the subdivision ordinance defining a subdivision as division of any parcel of land in single ownership at the time the amendment is adopted into more than two lots.

MARTIN LUDWIG/MAX WOOD, PARKS & RECREATION: CONSIDERATION TO IMPROVE THE
"OLD FOOTBALL FIELD" PARK PROPERTY

Mayor Hansen asked Parks and Recreation Advisory Board Member Martin Ludwig to present a proposal for the "Old Football Field" park property.

Mr. Ludwig presented and reviewed the following memorandum with the City Council:

DELTA CITY

FOOTBALL FIELD PROPOSAL

DATE: April 7, 1986
TO: City Council
FROM: Parks & Recreation Advisory Board

NAME: CITY PARK - We felt through taking down fences that it should only be an extension of the existing City Park.

FIELD: We recommend no specific improvements other than maintaining it better through scheduled spraying and fertilizing with the purpose of removing a variety of weeds and crab grasses.

FENCES: We believe that the people of Delta should feel like they can use this recreational property at any time and the best way to increase the usage is to take down some of the barriers. We recommend that the fences on the East, West and South be removed and we put up a six foot chain link fence on the north side. We felt that property owners on the north side should be contacted to see if they would help with the cost of fence materials. The Boy Scouts have offered to install the fence as an Eagle Project. You will note from the drawing that there is a problem with some trees along the property line-we recommend that Delta City offer to deed ten (10) feet to the adjoining property owners to reduce the cost of tree removal or split the cost of removing trees with them and keep the original property line. The approximate cost for fence materials is \$1400. Bumper guards or stops would be used on the South side to keep vehicles from traveling on the grass or across the access road used for a parking lot. The approximate cost of the poles for 27 thirty foot poles is \$405 or \$15/pole from Hale Jeffery or \$3375 for 25 thirty-five foot poles or \$135.20/pole through Utah Power & Light for pressure treated poles.

DITCHES: We proposed to place 270 feet of 15 inch NRC in the existing ditch on the east end of the property and cover. It is the recommendation of the Board that the fence on the east not be removed until the culvert is in place. A diversion box would be constructed as shown on the drawing with 28 feet of 16 inch NRC Pipe to be run under the track with the purpose of flood irrigating the field as a means of watering. The purpose of rerouting the irrigation system is to save money on pipe materials since the field is basically level. 298 feet of 15 inch NRC costs approximately \$2,250 or \$7.55/ft. A price on the diversion box was not available at the time. We also propose to abandon the existing ditch along the north end of the property as shown on the drawing.

ANNOUNCERS STAND: The announcer stand was torn down as of February 12, 1986.

LIGHTING: We recommend that we take advantage of Utah Power & Light's Municipal Street Lighting Project to light this property. We feel that 8 lights would provide ample lighting to accommodate greater public usage. Some of the probable uses are little league football, soccer, flag football, frisbee, volleyball, badminton, hacky sack, picnics, track and field events, jogging, races, family reunions, 4th of July events, and open play. The cost of 8 sodium vapor lamps with 16,000 high intensity discharge would run \$12.13/light/month or \$97.04/month. There is no cost for installation or maintenance of poles or lights (replacement of lamps included) under this contract. We must agree to enter the contract for 10 years. The overlay indicates the suggested positioning of lights. The lights must stay on from dusk to dawn year round to enable us to qualify under this proposal. One concern with this proposal is how the adjoining property owners on the north will feel about having those lights on all night. On remedy to this problem is to place mast arms which would place more light towards the middle of the field or placing duct tape on lights at the north end. We need to make the public aware of this agreement with Utah Power & Light so the Mayor and Council Members don't receive a call the first night the lights are left on all evening. We feel that this type of lighting will act as a crime deterrent for our City Property as well as give people a feeling of safety when they use these facilities in later evening or early morning. The key is increased security and usage.

PARKING: We suggest that a 250 foot 6 inch retaining wall be constructed as shown on the drawing to keep cars and trucks off the track. From the ends of the retaining wall to the property lines on the east and west would be placed bumper guards for the purpose of keeping vehicles off the track. The cost of the retaining wall is approximately \$3175 including labor and materials and the bumper guards were figured into the project previously with the price of poles under fencing section. We propose that we use 150 cubic yards of crushed aggregate or road base for the base of the parking area with an approximate cost of \$1200 delivered. The parking spaces would be on a 45 degree angle to facilitate ease entry and exit. The drainage would run to the south away from the track. It is proposed that the present dead end street be a one way street entering from the east and exiting from the west with a one way barrier installed at the west end of the street with an approximate cost of \$ (no price available).

TRACK: We recommend that we place 500 cubic yards of red cinders on the track which will build the track approximately 2 inches from the existing height of the track at a cost of roughly \$5000 delivered. With the use of City equipment and personnel we could save construction costs in this area such as grading and rolling of cinders.

Following discussion of "Old Football Field" park property proposal, Mayor Hansen recommended that the Council review and consider the project until the next City Council meeting.

ROBERT PENDRAY: CONSIDERATION TO APPROVE THE PENDRAY ESTATES PLAT M PRELIMINARY AND FINAL PLAT MAP

Mayor Hansen recognized Mr. Robert Pendray and said that the Planning and Zoning Commission has recommended that the Delta City Council approve the Final Plat Map for Pendray Estates Plat M subject to the changes requested by City Engineer John Quick and Public Works Director Neil Forster being completed.

Council Member Don Dafoe MOVED to approve Plat M of Pendray Estates Subdivision subject to John Quick and Neil Forster's corrections and also obtaining the other necessary signatures including Utah Power & Light, Continental Telephone, etc. Council Member Neil Dutson SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

CITY ENGINEER JOHN QUICK: CONSIDERATION OF OPEN DRAIN ENCLOSURE PROJECT PROPOSAL

Mayor Hansen asked City Engineer John Quick to present to the Council a proposal for the Open Drain Enclosure Project.

Mr. Quick displayed a map of the open drains within Delta City and pointed out three different options for the drains to be covered and the cost involved.

Council Member Don Dafoe asked what the schedule is for funds being released for the project. City Manager Jim Allan said that the contract is at the Attorney General's office and he has requested that Delta City be placed on the Community Impact Board meeting agenda to request an additional \$30,000 for the project.

Mr. Quick reviewed in detail a schedule for the Delta - Subsurface Drain Project and requested this issue be placed on the agenda in approximately three weeks for further action.

NEIL FORSTER, PUBLIC WORKS SUPERINTENDENT: CONSIDERATION OF PRE-BID SPECIFICATIONS FOR A PICKUP TRUCK FOR IRRIGATION DEPARTMENT

Mayor Hansen asked Public Works Director Neil Forster to review with the Council pre-bid specifications for a pickup truck for the Irrigation Department.

Mr. Forster first asked the Council for direction regarding the waterline status in the Sugar Factory Row Annexation area. Council Member Craig Greathouse said that City Engineer John Quick was to do the engineering and design on the waterline and the City crew was to install the line. The Council concurred in this remark, but took no formal action on the request because the project had not been placed on the agenda for this meeting.

Mr. Forster said that \$2,500 in the Irrigation/Storm Drain budget for acquisition of the truck is based on a four year lease-purchase. The truck would be used for irrigation and maintenance of the storm drain system. Mr. Forster reviewed in detail specifications for a 3/4 ton pickup truck 4 x 2 1986 model.

The Council agreed that the purchase of the truck should be held until next fiscal year so it can be budgeted for purchase, eliminating the lease-purchase concept and thereby saving money.

Following a brief discussion, Council Member Neil Dutson MOVED to carry the money over to next year in a capital reserve fund and budget the remaining balance to purchase a truck as an outright purchase. Council Member Gayle Bunker SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

NEIL FORSTER, PUBLIC WORKS SUPERINTENDENT: REVIEW STATUS OF DELTA CITY STREET SIGN PROJECT

Mayor Hansen asked Public Works Director Neil Forster to review with the Council the status of the Delta City Street Sign Project.

Mr. Forster said that all the old street sign poles have now been replaced with new poles and that delivery of the street signs is to be expected within the next two weeks. Mr. Forster said that \$10,000 has been budgeted for this project and \$8,881.75 has been encumbered.

MAYOR RUTH HANSEN: APPOINTMENT OF CITY REPRESENTATIVE TO WEST MILLARD RECREATION DISTRICT BOARD

Mayor Hansen said that at the last City Council meeting it was indicated that a City Council Member should be appointed to the West Millard Recreation District Board. Mayor Hansen then suggested that Council Member Don Dafoe be appointed to that board.

Council Member Craig Greathouse MOVED to appoint Council Member Don Dafoe to the West Millard Recreation District Board. Council Member Neil Dutson SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

MAYOR RUTH HANSEN: SCHEDULING OF PUBLIC MEETING REGARDING MILLARD COUNTY FIRE DISTRICT AND SOLID WASTE

Mayor Hansen said that Robyn Pearson had contacted her and indicated that the vote on the Millard County Fire District is to be held on May 20, 1986, and suggested that Delta City hold a public meeting prior to that time to inform the public regarding the Fire District.

Mayor Hansen said that the fire district taxes, if imposed, will be collected as all taxes are collected. It will be disbursed to the various fire departments on a formula based on population, the assessed valuation, and the amount of the fires fought by fire departments. Mayor Hansen said taxes collected by the fire district will be disbursed by the fire board to the various cities and towns for operation of their fire departments. Mayor Hansen said that Mr. Pearson suggested that a percentage of the funds received be put into capital outlay to provide for equipment as needed.

Following a brief discussion, Council Member Craig Greathouse MOVED to schedule a public meeting regarding the Millard County Fire District for May 5, 1986, at 6:00 p.m. Council Member Don Dafoe SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

ATTORNEY WARREN PETERSON: PRESENTATION OF FINAL DRAFT OF PROPOSED COMPREHENSIVE AMENDMENT TO THE ZONING ORDINANCE

Mayor Hansen asked Attorney Peterson to review with the Council a draft of a proposed comprehensive amendments to the Zoning Ordinance.

Attorney Peterson presented a draft of the proposed Zoning Ordinance and requested that the Council read the proposed ordinance. Mr. Peterson reminded the Council of the Public Hearing set for 21 April to consider the final draft and adoption of the proposed comprehensive amendments to the Zoning Ordinance.

Attorney Peterson said that the Zoning Ordinance has been designated as Title 12 of the Delta City Code of Ordinances (1981 edition). He proposed that the Council start with this section of the ordinances and bring the remaining ordinances up to date. He said there has been no comprehensive review of the City ordinances for five years. He said that because of their age, loss of Intermountain Power Agency funding in 1987, changes in Federal and State legislation and court decisions, the ordinances should be revised.

Mr. Peterson said that he would like to complete the revised Code of Ordinances by November 15th, 1986, so it can be adopted and in place by January 1, 1987.

OTHER BUSINESS

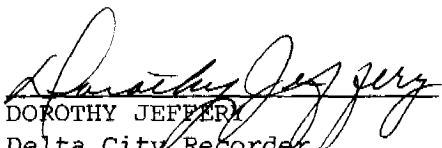
Mayor Hansen said that Justice of the Peace Stanley Robison has withdrawn his resignation as Justice of the Peace and has indicated that he is willing to serve at least until the next election.

Council Member Craig Greathouse reminded and encouraged the Council members to attend a Utah League of Cities and Towns seminar to be held April 25, 26, 1986.

B. Quinn Bean and Nolean Bean asked to address the Council. They were then recognized by Mayor Hansen. Mr. Bean and Mrs. Bean spoke. They said they were not a knowing participant on any efforts to avoid requirements established by the City Council applied to construction of their new home at 205 South 300 East. They expressed willingness to cooperate with the City officials and to act as responsible citizens. Mr. Bean asked that the City Council actively work to promote economic growth for Delta City.

Mayor Ruth Hansen asked if there were any further comments or questions or items to be discussed. There being none, Council Member Neil Dutson MOVED to adjourn the meeting. The motion was SECONDED by Council Member David Church. Mayor Hansen declared the meeting adjourned at 10:00 p.m.

Attest:


DOROTHY JEFFERY
Delta City Recorder


RUTH HANSEN, Mayor